THE HON'BLE SRI JUSTICE R. SUBHASH REDDY

WRIT PETITION No.12255 OF 2007

DATED: 20-09-2007

Between:-

Macigi Parasuram and another

.. Petitioners

and

Commissioner & Inspector General, Registration and Stamps, Government of A.P., Hyderabad and others.

.. Respondents.

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WRIT PETITION No.12255 OF 2007

ORDER:

Petitioners, who entered into an agreement of sale with the 4th respondent in respect of the land covered by Sy.No.89 of Mamidipally village, Saroornagar Mandal of Ranga Reddy District, filed this writ petition seeking Mandamus to declare the action of the 2nd respondent – Sub Registrar, Champapet, R.R. District, in not registering the said agreement of sale, dated 09.03.2006, as illegal and arbitrary, and a consequential direction to the 2nd respondent to forthwith register the said document.

It is the case of the petitioners that 4th respondent is the owner of the land covered by Sy.No.89 of Mamidipally village, Saroornagar Mandal of Ranga Reddy District, and they entered into an agreement of sale, dated 09.03.2006, with the 4th respondent, agreeing to purchase agricultural dry land admeasuring Acres 2-00 guntas in the above said survey number. However, when they wanted to get the said agreement of sale registered, the 2nd respondent – Sub Registrar has objected to receive the same for registration on the ground that it is not accompanied by 'No Objection Certificate' from the Special Officer and Competent Authority, Urban Land Ceiling, Hyderabad. According to the petitioners, the above said land is not an excess land under the

Provisions of Urban Land (Ceiling and Regulation) Act, 1976, in view of the Government Orders issued in G.O.Ms.No.733, dated 31.10.1988, under which exemption was granted to an extent of Acres 5-00 guntas in the peripheral areas in the urban agglomerations, and as much as Mamidipally village is covered in the notified villages as per the said G.O., there cannot be any objection for the 2nd respondent to receive the agreement of sale for registration.

At the stage of admission, the 2nd respondent has filed counter-affidavit stating that the land sought to be sold relates to Sy.No.89 of Mamidipally village of Saroornagar Mandal and the same is recorded as Government land. Further, it is also stated that Government has issued Memo No.1608/U2/87-1 Revenue (U) Department, dated 22.05.1987, instructing not to accept the documents for registration in respect of Government lands. It is further stated that the petitioners have not presented the said agreement of sale and had they formally presented the said agreement of sale, he would have considered the same in the light of the instructions issued by the Government.

While it is the contention of the petitioners that the 2nd respondent did not accept the agreement of sale, dated 09.03.2006, for registration, on the other hand, in the counter filed by the 2nd respondent, it is stated that had the petitioners presented the document, the same would have been considered in accordance with the instructions issued by the Government and the provisions of the Registration Act, 1908.

Except the allegations made by the petitioners, there is no proof of presenting the document in question before the 2nd respondent for

registration.

It is stated that with regard to registration of Government lands, there were instructions issued by the Government in the year 1987. It is also to be noted that in view of the provision under Section 22-A of the Registration (Andhra Pradesh Amendment) Act, 2006, there is prohibition for registration of Government lands.

However, in no case, the Sub Registrar can refuse to accept a document at all, which is presented for the purpose of registration, and as per Section 71 of the Registration Act, 1908, if there are any reasons for refusing to register a document, he shall make an order of refusal by making an endorsement to that effect and record his reasons for such order.

In the facts and circumstances, the 2nd respondent is directed to accept the agreement of sale proposed to be presented and the material, if any, filed along with it, for registration. If at all, any reasons exist to refuse registration of the said document, he shall make an endorsement to that effect and record reasons, and communicate the same to the petitioners, as contemplated under Section 71 of the Registration Act, 1908.

With the above directions, the writ petition is disposed of. No order as to costs.

R. SUBHASH REDDY, J

20th September, 2007
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